

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
February 28, 2007

PRESENT: Vice Chair Cortese, Members Chirco, Liccardo and Constant

ABSENT: Chair Reed

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Executive Director Harry Mavrogenes, Agenda Services Manager Nadine Nader, and Redevelopment Agency Liaison Gary Miskimon.

A. City Council

1. Review New Add Items to the March 6, 2007 Agenda

The Committee approved the following additions to the March 6, 2006 Council Agenda:

a. Mayor/Council Member Requests

- Presentation of a proclamation declaring March 6th – 13th, 2007 as Irish Week in the City of San Jose. (Constant/Pyle/Williams)
- Adoption of a resolution urging NBC-Universal to reconsider its decision to eliminate KSTS-48 Telemundo's "Noticiero 48" broadcast. (Campos/Liccardo)
- Resolution of support for Public Safety and Immigrant Rights. (Cortese/Campos/Liccardo/Nguyen)

2. Review March 13, 2007 Draft Agenda

The Committee approved the following additions to the March 13, 2007 Council Agenda:

a. Mayor/Council Member Requests

- Request for excused absence for Vice Mayor Cortese. (Cortese)
- Request for excused absence for Councilmember Constant. (Constant)
- Appointment and swearing in of District 6 Council Member Elect to the City Council. (Mayor)
- Resolution supporting public safety and immigrant rights be agendaized for the March 6, 2007 evening Council Meeting. (Cortese, Liccardo, Campos, Nguyen)

Public Comments: Mark Trout spoke off topic, Richard Conda, Executive Director of Asian Law Life, and Gloria Nieto, Director of SIREN (Services for Immigrant Rights and Education Network) spoke in support of placing the resolution supporting public safety and immigrant rights on the agenda.

- b. Council Appointee Requests
 - Authorization to negotiate and execute a grant agreement with the Franklin McKinley Education Foundation on behalf of the San Jose Education Foundation. (City Clerk)

B. Redevelopment Agency

1. **Review New Add Items to the March 6, 2007, Agenda**
There were no additional items, recommend cancellation of the March 6, 2007 Redevelopment Agency agenda. Joint Item 9.1 will be cross referenced on cancellation agenda.
2. **Review March 13, 2007 Draft Agenda**
There were no additional items for March 13, 2007 Redevelopment Agency agenda.
3. **List of Reports Outstanding**
There were none.

C. Legislative Update

1. **State**
 - a. **City's Legislative Process and Suggested Methods for Taking Timely Action on Pending Issues.**
Continued from February 7, 2007
Documents Filed: Memorandum from Betsy Shotwell, Director of Intergovernmental Relations, dated February 22, 2007, recommending: a) acceptance of Staff's reports of February 1 and 22, 2007 outlining the City's process for review and analysis of proposed State and Federal legislation and the process for determining official City positions on bills or fiscal matter of interest to the City; b) provide direction regarding the Rules and Open Government Committee's role in the City's Legislative process as outlined in this memorandum; c) recommend to the City Council that when necessary to take action in a timely manner, in order to convey the City's position on issues of concern or interest to the City, the Mayor continue the current practice of remitting the City's position at the earliest possible time.

Action: The Rules Committee agreed to: 1) Add the following legislative statement to the Rules and Open Government Committee Mission: “Council Agenda setting, Committee agenda setting; City Auditor work plan; Legislative review and recommendation of position setting; Commission appointments that do not require interviews by the full Council, ensuring accessible, responsive, transparent and accountable government.”; 2) refer the Report to the Mayor’s Office for any further recommendations for changes in the process or procedures; and 3) bring back any further changes to the Committee.

2. Federal
None

D. Meeting Schedules

1. Setting a Hearing for spring 2007 for General Plan Amendments and Initiating the Re-establishment of a fall Annual Review of the General Plan. Continued from February 7, 2007 Recommend Deferral to March 14, 2007

Action: The Committee deferred this item to March 14, 2007.

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated February 23, 2007 transmitting the Public Record for the week of February 9-22, 2007.

Public Comment: Mark Trout expressed his desire to see that open forum is given 3 minutes to speak instead of 2.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Appointment to the Project Diversity Screening Committee.

Documents Filed: (1) Memorandum from Vice Mayor Cortese dated February 1, 2007 submitting names for consideration for appointment to the Project Diversity Screening Committee. (2) Memorandum from Councilmember Constant dated February 7, 2007 nominating Alexander Hull to the Project Diversity Screening Committee. (3) Memorandum from Councilmember Liccardo dated February 14, 2007 nominating Tamara Alvarado to the Project Diversity Screening Committee.

Discussion: Vice Mayor Cortese withdrew his three nominees to provide greater representation for all districts. Councilmember Chirco made a motion to appoint Tamara Alvarado. Councilmember Constant spoke to the merits of adding more diversity to the make-up of the Committee and advocated for the appointment of Mr. Hull. Councilmember Chirco withdrew her motion. The City Clerk suggested a one-week turnaround to place the appointment on the March 6th Consent Calendar.

Public Comments: Mark Trout spoke off topic. Patricia Gardner expressed support for the appointment of Alexander Hull.

Action: The Committee appointed Alexander Hull to the Project Diversity Screening Committee.

G. Rules Committee Reviews, Recommendations and Approvals

1. Council Committee Procedures.

Documents Filed: Memorandum from Mayor Reed dated February 21, 2007 recommending approval of proposed Council Committee procedures for managing Council Committees.

Action: The Committee approved the procedures and forwarded the matter out to the Council on March 13, 2007.

2. United States Conference of Mayors January 24-26, 2007 Trip Report.

Documents Filed: Memorandum from Councilmember Williams provided a summary of the activities that took place during the Conference of Mayors he attended on January 24-26, 2007.

Action: The Committee accepted the report.

3. Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee.

Continued from January 24, 2007

Documents Filed: Memorandum from City Manager Les White and City Attorney Rick Doyle dated February 23, 2007 recommending: a) acceptance of the response to the report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee; and b) providing direction on the recommended methodology to implement a pilot program for cost benefit analyses for projects, activities, and events seeking public funding.

Public Comment: Patricia Gardner, Executive Director of the Silicon Valley Association of Nonprofits and Tim Quigley, Executive Director of the Volunteer Center, Tim Helman, Catholic Charities, and Sharon Greenberg, Planned Parenthood spoke in opposition to any proposal for amending the lobbyist ordinance that would result in a requirement for non-profit agencies to register as lobbyist with the City. Mark Trout spoke off topic. Bob Brownstein, Sunshine Reform Task Force (SRTF) Member, spoke to the recommendation regarding cost benefit analyses for projects/events seeking public funding and noted that the Task Force is considering this issue. He suggested that when this topic goes to the Council, that the Council consider the SRTF views on this subject and allow ample time for the public to provide input.

Action: The Committee agreed to defer this item to March 7, 2007.

4. Public Safety, Finance and Strategic Support Committee.

Documents Filed: Memorandum from Kay Winer, Chief Deputy City Manager, dated February 9, 2007 recommending approval to add the external Auditor's report on Single Audit for Fiscal Year ended June 30, 2006 and External Auditor's Report on Internal Control for Fiscal Year Ended June 30, 2006 and Report of Macias Gini & Company LLP for Fiscal Year Ended June 30, 2006 to the March 15, 2007 Public Safety, Finance and Strategic Support Committee agenda.

Action: The Committee approved the recommendation.

5. Disclosure of Ownership of Property Located within a Redevelopment Project Area.

Documents Filed: Memorandum from Gary Miskimon, Assistant Director of RDA Administration and Parking Division dated February 20, 2007 forwarding a Disclosure of Ownership of Property located within a Redevelopment Project Area by an official of the Redevelopment Agency.

Action: The Committee noted and filed the Disclosure.

6. Council Expenditures and Reimbursements.

Continued from January 31, 2007 Recommend Deferral to March 7, 2007

Action: The Committee deferred this item to March 14, 2007.

H. Review of Council Committee Agendas

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, finance and Strategic Support Committee**

I. Open Government Initiatives

J. Open Forum

Mark Trout expressed religious points of view.

K. Adjournment

The meeting was adjourned at approximately 3:35 p.m.